

**MINUTES
DISTRICT ADVISORY BOARD
DISTRICT VI**

August 16, 2000

7:00 p.m.

Evergreen Recreation Center, 2700 N. Woodland

Members Present

Council Member Joan Cole
Veronica Casados
Sharon Fearey
C. Bickley Foster
Linda Matney
Tony Rangel
Bob Schreck
Dorthea Sloan
Wendell Turner
John Van Walleghen
Clarence Wiley

Members Absent

Greg Chinn

Guests

Janet Miller
Nile Dillmore
Lt. Dennis Wilson
Sgt. Troy Nedbolek

ORDER OF BUSINESS

Council Member Joan Cole called the meeting to order at 7:00 p.m.

Cole welcomed guests and commented that she is very happy with her process utilized to select DAB Members. **Cole** thanked DAB members for thoughtful, sound advice. **Cole** introduced **Brian Silcott**, Neighborhood Assistant, and explained that **Terri Dozal** was on vacation in Orlando Florida, visiting Disney World.

-- Approval of Minutes

Council Member Cole asked everyone to introduce him or herself and identify the area or association represented. After introductions were complete, **Cole** stated that approval of August 7, 2000 minutes would be approved at the September 11, 2000 meeting.

-- Approval of Agenda

Council Member Cole asked to approve, modify, or amend the agenda presented. **Bob Schreck** motioned to add item six, problem properties. **Van Walleghen (Schreck)** motioned to approve the agenda as amended. (11-0)

DAB VI
August 16, 2000

Public Agenda

The DAB listens to public comments regarding individual citizen concerns on issues not included on the agenda pertaining to the City of Wichita.

None

New Business

1. Alternative Correctional Housing

Nile Dillmore, Wichita Independent Neighborhoods, spoke on the issue of alternative correctional housing.

Recommended Action: Provide Recommendation

Council Member Cole introduced **Nile Dillmore** and explained that he spent three years working on the ordinance which is under review by the Wichita City Council. The issue originated in the neighborhoods and **Dillmore** has served as the board's previous president. **Cole** stated the goal of the board was and still is safety of the neighborhoods and the creation climate of rehabilitation for facility residents.

Dillmore explained the role, responsibilities, and function of the Alternative Correctional Housing Board.

"Not too long ago there were in excess of two dozen halfway houses located throughout our community that were little more than boarding homes for ex-convicts and probationers. Those of us who live in older neighborhoods had more than our share of these facilities and their attending problems of increased burglaries, disorderly conduct, larceny, and worse. Supervision was negligible, constructive programming or rehabilitation was non-existent. Fear and genuine concern for the safety of property and people were tearing at the neighborhoods and promoted the cycle of decay and deterioration.

Though a comprehensive and lengthy process of study, dialogue, cooperation, and consensus building came a proposal to address the issue. The City Council forged a partnership with Sedgwick County, professionals in the criminal justice system, law enforcement, district and municipal courts, the faith community and neighborhood representatives to draft and pass the City Ordinance that created the Alternative Correctional Housing Board. Sedgwick County passed its twin Resolution and joined the City in the effort to effectively regulate these facilities. The result was the implementation of licensing and regulation of facilities that accepted placements from the State Department of Corrections, district and municipal courts. The effect on our community was almost immediate. The full extent of the problem was identified and facilities became better managed and the living conditions of the clients who resided in these facilities improved.

DAB VI

August 16, 2000

I was honored to serve as the first Chairman of the Regulatory Committee that worked with the Office of Central Inspection to enforce these regulations. I was further privileged to serve as President of the Advisory Board. During my three year tenure on this board I witnessed interagency cooperation and teamwork that was completely void of turf battles, finger pointing, or bureaucratic shadowing that is so often the case when so many agencies are charged with solving so large a problem. Through this cooperation a set of standards for the operation of licensed facilities was adopted. These standards were presented to the providers for review and comment and were thoroughly discussed and debated by the board.

One of the standards proposed and adopted by the board prohibited a client to be employed by the facility in which they reside. This is the provision that the city council is now considering changing to allow employment by the agency in non-supervisory positions. I watched with grave concern as the City Council took seemingly hasty action to accommodate one provider's complaint about the standards adopted by the Alternative Correctional Housing Board. These standards are endorsed by the Kansas Department of Corrections, the law enforcement community, the courts, and other experts from the field of corrections. The provider who is mentioned in the council minutes has made the claim that the standards recommended by the ACH Board might cause them to go out of business. They have made this claim every time there was a ruling by this board that they didn't like. Yet, they are still in business and still contracting to accept clients.

I urge this District Advisory Board to recommend to the City Council that the proposed amendment adopted on first reading on July 18 be rejected, and that the membership, duties, and responsibilities of the board be left intact." **Dillmore** took questions from DAB members.

Bickley Foster inquired on the one alternative correctional housing agency's rationale for opposing the supervisory standard and asked for examples of other cities. **Dillmore** stated that only one of the eight alternative correctional housing agencies, object to the exclusion of the supervisory capacity clause for residents/clients. Wichita is the only municipality to address the issue in this manner and it was started from scratch.

Foster followed-up with an inquiry on the position of the professional association for alternative correctional housing agency. **Dillmore** stated the professional peer organization endorses the standard of "non-employment", as does the Kansas Department of Corrections.

Council Member Joan Cole asked if the County Department of Corrections and the Federal Bureau of prisons holds the same position. **Dillmore** yes.

Dillmore stated he spent one hour with the supervisor of the one objecting agency, he stated the agency acts as a job placement agency for clients. **Dillmore** explained the "structured living environment" and job placement atmosphere at the facility and indicated that clients pay a daily stipend for room and board at the facility. The daily stipend makes the agency self-sufficient and allows the agency to meet the

bottom line. The agency's position is based on their action as a placement agency, failure to adopt the proposed change will put them out of business and if the current position is liberally interpreted the DAB VI

August 16, 2000

action as a placement agency clients/resident could be considered as employees working for the agency. **Dillmore** state the company is legally structured as a "for profit" company.

Dillmore stated he and the Board of Alternative Correctional Housing are putting faith and credence in expert opinions on who should employ clients.

Cole inquired if language modification has been offered to accommodate the agency. **Dillmore** responded yes, and the agency declined.

Clarence Wiley inquired if the one agency supporting the change was a "unique" situation. **Dillmore** stated it is unique and is the only for profit agency in Wichita.

Bob Schreck asked what the criteria for classification as a halfway house is. **Dillmore** stated, generally, any agency that accepts residents as part of a condition for parole and/or probation. Any situation where criminal offenders are placed in a supervised structured living environment.

Sharon Fearey asked what would happen to the clients if the agency folded and how do the other non-profit agencies survive? **Dillmore** stated they would find accommodations elsewhere. **Cole** interjected that other agencies provide substance abuse treatment and can't provide employment placement services because most residents are in serious treatment programs.

Dillmore stated it is the issue of "build more prisons or find alternative corrective measures". Paroles/probationers must live in facilities that provide a supervised structured environment. Sixty percent of admittees are former inmates; the correctional system is under a high rate of recidivism.

Tony Rangel asked if inmates have to live in alternative correctional housing units as a condition of parole. **Dillmore** stated no, the parole officer has the discretion to determine what is a supervised and structured environment.

Rangel asked if it was reasonable to assume that residents in a facility that does not provide substance abuse treatment are in need of less structure. **Cole** and **Dillmore** no.

Dillmore commented the ordinance states if more than two clients need structure and/or treatment a licensed facility must be utilized.

Cole asked if there were further question from the DAB, no questions were indicated. **Cole** thanked **Dillmore** for his presentation and reviewed the action of the Wichita City Council on the matter. **Cole** stated that city staff has expressed concern over not being able to perform the functions need to inspect, monitor, enforce codes, and act as a program auditor to manage the alternative correctional housing agencies correctly on existing budget and staff levels. Current City oversight deals directly with code enforcement only.

DAB VI
August 16, 2000

Cole indicated that when an agency closes its doors additional measures such as day reporting and/or electronic tracking measures may be utilized. The Department of Correction would be cognizant of the parole responsibility twenty-four hours a day.

Cole asked for additional comments from DAB members.

Linda Matney questioned the validity of the argument for using residents/clients as employees because the intent of the agencies is to create independent, responsible, “real world” environments for residents/clients, how is limiting a client/resident’s job experiences to peers going to generate real world experiences?

Matney (Fearey) motioned to recommend re-sending proposed ordinance to the Wichita City Council for reconsideration.

Cole asked for discussion on the motion.

Foster reaffirmed **Matney’s** position of work experience among peers as not being real world enough.

John Van Walleghen stated he sees the issue as two-fold one, employment provisions and two the existence of the Alternative Correction Housing Board.

Van Walleghen proposed amending the motion to approve re-writing the ordinance to accept the employment provisions and continue the boards existence. Motion died for lack of a second.

Cole asked if **Matney** was open to friendly amendments. **Matney** responded yes.

Rangle questioned the wording of “supervisory” in the proposed ordinance. **Cole** commented the DAB might want to return to the original wording and place an unqualified statement that an agency can’t hire, either paid or unpaid, clients/residents to work in the facility. Limiting employment to inside the actual structure of the agency, allowing transportation and contract work away from the facility.

Wiley assumed that parolees and probationers would not require substance abuse treatment because they are somewhat free to move about the community as they travel to and from work.

Cole stated that some residents participate in treatment programs not contained in the alternative correctional housing unit, eighty-five percent of treatment occurs inside the halfway house.

Dillmore Wichita Independent Neighborhoods does not take a position on halfway houses, WIN’s stance is to support the original ordinance.

Veronica Casados questioned why Wichita handles the issue of supervisory boards differently than other communities. **Cole** reviewed the history of actions including the relationship between the city and

county on this matter. The intent of **Cole** and **Melody Miller**, Sedgwick County Commissioner, was to create a system of greater citizen input and participation. **Cole** stated she would support an increase in DAB VI

August 16, 2000

the number of board members to include more citizen input. The current composition is limited to professionals in the correction and law enforcement professions. **Cole** urged the DAB to consider urging to City Council to expand the board's composition allowing for greater citizen involvement.

Foster stated he wants more citizen input because on a board composed of field professionals only all the stakeholders are not represented and Suggested amending the motion as such.

Cole stated she wants to address the motions separately for discussion purposes.

Matney motioned "Recommend the original ordinance prohibiting employment in facilities in which residents of alternative correctional housing agencies reside".

Van Walleghen moved to amend the previous motion to include "District Advisory Board VI advises disbanding the current board and constructing a new board with expanded membership to include positions for citizen representation". Motioned failed for lack of a second.

Fearey (Wiley) offered a friendly amendment to read "Recommend the Alternative Correctional Housing Board be maintained in its current form with the addition of a representative appointed by each of the six Wichita City Council Members and the Mayor".

Cole opened discussion on the amendment.

Van Walleghen stated the motion fails to account for the County's dissolution as a participating member of the board. **Cole** interjected the issue was addressed in the first reading of the proposed ordinance and asked for more comments. None were received.

Council Member Joan Cole asked for consideration of the question, as amended by DAB Member **Fearey**, Motion passed (10 – 0).

Fearey requested permission to submit a letter indicating Historic Midtown Citizens Association's position on the matter.

Cole read the letter aloud. See Addendum A.

Wiley thanked **Dillmore** for his time and concern for the community and stated the work of the Alternative Correctional Housing Board has improved his neighborhood immensely.

Cole thanked **Dillmore** for his presentation and move, without objection, for a five-minute recess.

Meeting recessed 8:25 p.m.

Meeting was recalled to order 8:30 p.m.

DAB VI

August 16, 2000

2. Street Paving and Sidewalk Rules & Policies

Gene Rath, Assistant City Engineer, reviewed city policies, procedures, and ordinances pertaining to street paving and sidewalks.

Council Member Cole introduced **Gene Rath** and thanked him for attending.

Rath discussed the issue of sidewalk policy and procedures for the City of Wichita. Currently, collector streets must have sidewalks and no tax dollars financing is used. The cost is placed on the developer, who in turn passes the cost to homeowners, through special assessments. City tax dollars are used to finance sidewalks if arterials are widened or are retrofitted. The city only has \$50,000 budget for arterial street sidewalk construction and repair.

Rath stated the issue of sidewalk repair is often a sore subject with citizens. The rationale nexus for this issue is the one-inch or greater offset of sidewalks or a portion of sidewalk, creating a trip hazard. The one-inch threshold has been established state statute and legal precedent. Cost is placed on the property owner because it falls in the public right of way. **Rath** stated he was willing to take questions from DAB members.

Rangel inquired if curbs and gutters are similarly dealt with and **Rath's** response was no, such items are the responsibility of the city, specifically the Street Maintenance Division.

Foster thanked **Rath** for his assistance and attendance. **Foster** inquired on the existence of a written policy addressing the issue. **Rath** stated there is no specific "sidewalk" policy but the matter is referred to in state statutes and city ordinances. **Foster** followed up by questioning the cost formula used by Public Works. **Rath** responded the calculation is such; total square footage of sidewalk to be laid/poured multiplied by the contract price plus the addition of a seventy dollar administrative fee to defray staff cost.

Dorthea Sloan inquired if a corner lot was more costly than a middle lot. **Rath** responded a corner lot is more costly and sidewalks are considered a benefit to the property owner.

Wendell Turner inquired on the cost burden for re-paving street surfaces. **Rath** stated that re-paving project to dates, are financed by the city.

Fearey stated the area around John Marshall Middle School children walk in yards and the street because no sidewalk exist and inquired who would be responsible for financing any retrofit. **Rath** the city addresses such financing issues on a case by case basis. The staff recommendation would likely be to assess the property owner but ultimately the decision is up to the Wichita City Council.

Wiley inquired if contractors who damage sidewalks during repair operations are responsible for repair costs. **Rath** responded the contractors are responsible for the cost of such repairs.

DAB VI
August 16, 2000

Council Member Cole asked for more questions regarding sidewalk procedures, none were received.

Rath stated he would discuss paving operations. The property owners in the area pay paving, generally middle properties pay for the frontage street and the closest side street. No property owner pays for more than two streets. Corner lots pay for the streets on each side of the property. Under state law the Wichita City Council has the latitude to determine the apportionment of cost. In new developments paving is paid 100% by property owners.

Turner stated he has a petition covering twenty-six streets and property owners have changed since signatures were collected. "Are the old signatures valid?" A couple down the street has divorced, both persons signed the petition, is the property owner signature still valid? **Rath** responded the City's Law Department should address those questions.

Casados asked for **Rath's** office telephone number. **Rath** stated his number is 268 – 4288.

Matney inquired if repairs to existing streets are assessed to property owners. **Rath** commented that under the previous policy, property owners were asserted and the current policy, which has been in effect for seven years, the cost is financed by the city at large.

Schreck asked that city employees go first in the future. **Cole** responded that is the policy, however, **Dillmore** had surgery earlier in the week and as a courtesy he went first.

Cole thanked **Rath** for presenting the procedures and answering questions from the DAB.

3. Follow-up on the used car lot at North 13th and West Meridian

Council Member Cole explained the recent action of the Wichita City Council to return the matter to the MAPC.

Recommended action: Provide comments.

Council Member Cole stated the matter was referred to the MAPC because the majority of Council felt the applicant did not receive the opportunity to speak with neighbors. **Cole** pointed out the applicant had six months by which to contact neighbors and seek some form of consensus.

4. Legislative Request

Government Relations Director for the City of Wichita is soliciting requests for items to be included in the City of Wichita's Legislative Program.

Recommended action: Provide Comments

DAB VI

August 16, 2000

Cole consulted with **Brian Silcott** on the deadline for this matter. **Silcott** responded the items may be addressed and submitted at the September DAB VI meeting.

Cole charged members with the responsibility of deciding on realistic and significant issues to neighborhoods and the greater community. **Cole** provided the example of retail sales tax elimination on residential and commercial remodels.

Rangel responded he recently performed a remodel and the contractor placed sales tax on his project because it was a remodel on an existing structure, not an addition to the structure.

5. September 11th DAB Meeting

Due to the Labor Day Holiday, DAB Vi will meet on September 11. The meeting will be a joint meeting with the 21st Street Task Force. Task Force recommendations will be heard by the DAB and a public hearing will be held to provide area residents with the opportunity to make comments.

Recommended Action: Provide recommendation.

6. Problem Properties

The item of problem properties was added to the agenda to address several properties in Council District VI.

Schreck submitted a list of properties for **Silcott** to submit the Office of Central Inspection and the Wichita Sedgwick County Department of Community Health.

Turner stated he is concerned with the poor response to complaints by city Animal Control officers.

Cole reviewed Sedgwick County's recent action cutting funding for two Health Inspector positions.

The meeting adjourned at 9:40 p.m.

Respectfully Submitted,
Brian W. Silcott, Neighborhood Assistant